

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:14-00110

STEPHEN B. HERNDON

RESPONSE TO DEFENDANT'S MOTION FOR
EARLY TERMINATION OF TERM OF PROBATION

Comes now the United States of America, by Meredith George Thomas, Assistant United States Attorney for the Southern District of West Virginia, and files this response to defendant's Motion for Early Termination of Term of Probation.

In February 2015, the defendant was sentenced to a 5-year term of probation.

After serving less than half of his probationary term, the defendant filed a motion seeking early termination of probation. In support of his motion for early termination, the defendant argues that his child's archery career is impeded by defendant's term of probation, as defendant cannot possess his child's archery equipment, among related issues.

This Court determined that defendant's sentence was sufficient but not greater than necessary in accordance with 18 U.S.C. § 3553. While defendant's compliance with the conditions of probation reflects well upon him, his performance does not

justify eliminating half of his sentence. Furthermore, there is nothing particularly onerous about the terms or conditions of the defendant's probation.

The United States is satisfied that the factual details of this case have been thoroughly developed in this record and in the pre-sentence report and that its arguments in support of sentencing are, likewise, a matter of record. The Court has jurisdiction and discretion to alter or remove the term of probation imposed herein. The United States does not object to the Court exercising that authority and discretion without further argument or evidence.

Respectfully submitted,

CAROL A. CASTO
Acting United States Attorney

By:

/s/Meredith George Thomas
MEREDITH GEORGE THOMAS
Assistant United States Attorney
WV Bar No.10596
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: meredith.thomas@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "RESPONSE TO DEFENDANT'S MOTION FOR EARLY TERMINATION OF TERM OF PROBATION" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 14th day of April, 2017, to:

Mary Lou Newberger
P. O. Box 75342
Charleston, West Virginia 25301

/s/Meredith George Thomas
MEREDITH GEORGE THOMAS
Assistant United States Attorney
WV Bar No.10596
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email:meredith.thomas@usdoj.gov